

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LARON YOUNG,

Case No. 22-CV-1963 (PAM/JFD)

Plaintiff,

v.

REPORT AND RECOMMENDATION

SHERBURNE COUNTY JAIL and
CAPTAIN ZERWAS,

Defendants.

In an order dated August 31, 2022, this Court directed plaintiff LaRon Young to submit financial documentation from which his initial partial filing fee could be calculated. *See* Dkt. No. 4 (citing 28 U.S.C. § 1915(b)). Mr. Young was given 21 days to submit the required financial information with the understanding that if he failed to do so, the Court would recommend that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Mr. Young has not submitted the required financial documentation. In fact, Mr. Young has not communicated with the Court about this case at all since this Court's August 31 Order. Accordingly, this Court now recommends, consistent with the warning given in that order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has

discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: October 12, 2022

s/ John F. Docherty

JOHN F. DOCHERTY

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).